

# UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee



Kolby Duckett, David Schilling, and David Holloway

*Plaintiff*

v.

Chief Brian Hickman, Ted Rogers, and the City of  
Collegedale, Tennessee

*Defendant*

Civil Action No. 1:19-cv-00295

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Michelle Toro

Assistant City Manager, Chief Financial Officer, Collegedale

*(Name of person to whom this subpoena is directed)*

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Liberty Tower  
605 Chestnut Street  
Chattanooga, TN 37450

Date and Time:

05/06/2021 9:30 am

The deposition will be recorded by this method: Stenographic means before a court reporter

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: **SEE EXHIBIT A ATTACHED.**

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 4-12-21

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Janie P. Varnell*  
*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs  
Kolby Duckett, David Schilling, and David Holloway, who issues or requests this subpoena, are:

Janie Parks Varnell, Davis & Hoss, P.C. 850 Fort Wood Street, Chattanooga, TN 37403, (423) 266-0605  
~~Janie@davis-hoss.com~~

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any) Michelle Tero, Assistant City Manager  
on (date) 4/14/21 for City of Collesdale,

☒ I served the subpoena by delivering a copy to the named individual as follows: via hand delivery  
to Robinson, Smith & Wells' Office and provided to Nathan Ridley  
at the front desk on (date) 4/14/21; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 04/14/21

Haley M. Kaye  
Server's signature

Haley M. Kaye  
Printed name and title

850 Fort Wood Street  
Chattanooga, TN 37403  
Server's address

Additional information regarding attempted service, etc.:

**SUBPOENA DUCES TECUM**

**EXHIBIT A**

1. Produce any and all documents related to the case caption (*Duckett, et. al. v. Hickman, et.al, Case No. 1:19-cv-00295*) including text messages, written or email communications with any other member of the administration of the City of Collegedale and/or the Collegedale Police Department from January 1, 2019 to present.
2. Produce any and all any documents prepared for or on behalf of the City of Collegedale, City of Collegedale Police Department or Ted Rogers, and/or any other member of the administration of the City of Collegedale and the Collegedale Police Department January 1, 2019 to present.